

The Honorable Franklin D. Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CYNTHIA CORRIE and CRAIG CORRIE, ON) No. C05-5192-FDB
THEIR OWN BEHALF and AS PERSONAL)
REPRESENTATIVES OF RACHEL CORRIE) MOTION FOR APPROVAL TO FILE AN
AND HER NEXT OF KIN, INCLUDING HER) OVER-LENGTH MOTION AND
SIBLINGS, *et al.*) PROPOSED ORDER
)
Plaintiffs,) **NOTE FOR CONSIDERATION:**
) **Friday, May 6, 2005**
vs.)
)
CATERPILLAR INC., a foreign corporation,)
)
Defendants.)
)

MOTION

DEFENDANT CATERPILLAR INC., pursuant to Local Civil Rule 7(f), moves the Court for an order permitting it to file an over-length motion to dismiss on the that this case involves many unusual and complex issues and seven separate claims for relief, which incorporate numerous claims under international, domestic, federal and local law. To deal with each of these claims adequately, defense counsel has found that they cannot do so within the 24-page limit prescribed the Rule. Defendant previously moved for approval to file an over-length motion not to exceed 30 pages in length. However, Defendant now has been served with an Amended

MOTION FOR APPROVAL TO FILE AN OVER-LENGTH MOTION AND PROPOSED ORDER -- 1

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1 Complaint that adds two more causes of action, for a total of seven, including a new claim under
2 the Racketeer Influenced and Corrupt Organizations Act. Defendant respectfully requests that it
3 be permitted to submit a motion that would not exceed 40 pages in length inasmuch as it now has
4 to deal with all seven causes of action. Defendant has discussed this motion with counsel for the
5 Plaintiffs and Plaintiffs' counsel have agreed that they do not object to the motion.

6 This motion is based on the Complaint in this action and the claims asserted therein.

7 DATED this 6th day of May, 2005.

8 GRAHAM & DUNN PC

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27 *Attorneys for Defendant Caterpillar, Inc.*

28 MOTION FOR APPROVAL TO FILE AN OVER-
29 LENGTH MOTION AND PROPOSED ORDER -- 2

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ORDER

IT IS SO ORDERED.

DATED this 16th day of May 2005.



FRANKLIN D BURGESS
UNITED STATES DISTRICT JUDGE

MOTION FOR APPROVAL TO FILE AN OVER-LENGTH MOTION AND PROPOSED ORDER -- 3

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DECLARATION OF SERVICE

I hereby certify that on May 6, 2005, I filed the foregoing document with the Clerk of the Court using the CM/ECF electronic filing system and notification of such filing will be sent to the following:

<p>Gwynne L. Skinner, WSBA #23490 Public Interest Law Group PLLC 2118 8th Avenue, Suite 106 Seattle, WA 98121 Phone: (206) 447-0103 Fax: (206) 447-0115 Email: gskinner@pilg.org Counsel for Plaintiffs</p>	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail via Federal Express <input type="checkbox"/> Facsimile Transmission <input checked="" type="checkbox"/> ECF Filing - E-mail Transmission
<p>Davida Finger, WSBA #32818 Smith & Lowney, PLLC 2317 E. John Street Seattle, WA 98112 Phone: (206) 860-2883 Fax: (206) 860-2909 Email: davidafinger@igc.org Counsel for Plaintiffs</p>	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail via Federal Express <input type="checkbox"/> Facsimile Transmission <input checked="" type="checkbox"/> ECF Filing - E-mail Transmission
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MOTION FOR APPROVAL TO FILE AN OVER-LENGTH MOTION AND PROPOSED ORDER -- 4

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	<p>Robert G. Abrams (<i>Pro Hac Vice</i>) Howrey Simon Arnold & White LLP 1299 Pennsylvania Avenue N.W. Washington, DC 20004-2402 Phone: (202) 383-6935 Fax: (202) 383-6610 E-mail: abramsr@howrey.com Counsel for Defendant</p> <p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail via Federal Express <input type="checkbox"/> Facsimile Transmission <input checked="" type="checkbox"/> ECF Filing - E-mail Transmission</p>
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I certify and declare under the laws for the United States and the State of Washington that
the foregoing is true and correct to the best of my knowledge

DATED this 6th day of April, 2005, at Seattle, King County, Washington.

/s/ James L. Magee
James L. Magee

MOTION FOR APPROVAL TO FILE AN OVER-
LENGTH MOTION AND PROPOSED ORDER -- 5

Case No. C05-5192-FDB – Corrie v. Caterpillar Inc.
desktop-607222

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